

Appendix M: Regulations and Forest Orders That Apply to Recreation Sites

Most of the Forest Service regulations affecting developed recreation sites are found in 36 CFR Part 261, Prohibitions. Subpart A includes general prohibitions in effect on all National Forest System Lands. Some of the most relevant Subpart A General Prohibitions are included in this Appendix. A complete set of the 36 CFR 261 regulations is available upon request.

36 CFR 261 Subpart B provides authority for Forest Orders. Some of the most relevant Subpart B Forest Orders applicable to the Pacific Ranger District developed recreation sites are included here, following the Subpart A regulations.

36 CFR 261 Subpart A General Prohibitions Relevant to Developed Recreation Sites

§ 261.3 Interfering with a Forest officer, volunteer, or human resource program enrollee or giving false report to a Forest officer.

The following are prohibited:

- (a) Threatening, resisting, intimidating, or interfering with any forest officer engaged in or on account of the performance of his official duties in the protection, improvement, or administration of the National Forest System is prohibited.
- (b) Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry.
- (c) Threatening, intimidating, or intentionally interfering with any Forest officer, volunteer, or human resource program enrollee while engaged in, or on account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984]

§ 261.4 Disorderly conduct.

The following are prohibited:

- (a) Engaging in fighting.
- (b) Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed.
- (c) Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.
- (d) Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise.

[46 FR 33520, June 30, 1981]

§ 261.5 Fire.

The following are prohibited:

- (a) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.
- (b) Firing any tracer bullet or incendiary ammunition.
- (c) Causing timber, trees, slash, brush or grass to burn except as authorized by permit.
- (d) Leaving a fire without completely extinguishing it.
- (e) Causing and failing to maintain control of a fire that is not a prescribed fire that damages the National Forest System.
- (f) Building, attending, maintaining, or using a campfire without removing

all flammable material from around the campfire adequate to prevent its escape.

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(g) Negligently failing to maintain control of a prescribed fire on Non-National Forest System lands that damages the National Forest System.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 73 FR 30307, May 27, 2008]

§ 261.6 Timber and other forest products.

The following are prohibited:

- (a) Cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation.
- (b) Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting.
- (c) Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a forest officer.
- (d) Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by forest officers to mark or designate a tree or any other forest product for cutting or removal.
- (e) Loading, removing or hauling timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract.
- (f) Selling or exchanging any timber or other forest product obtained under free use pursuant to §§ 223.5 through 223.11.

(g) Violating any timber export or substitution restriction in §§ 223.160 through 223.164.

(h) Removing any timber, tree or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation.

(i) Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620, *et seq.*), or its implementing regulations at 36 CFR 223.185–223.203.

[42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977, as amended at 49 FR 25450, June 21, 1984; 51 FR 1250, Jan. 10, 1986; 60 FR 46934, Sept. 8, 1995]

EFFECTIVE DATE NOTE: At 73 FR 79392, Dec. 29, 2008, § 261.6 was revised, effective Jan. 28, 2009. At 74 FR 5107, Jan. 29, 2009, the amendment was delayed until Mar. 30, 2009. At 74

FR 14049, Mar. 30, 2009, the amendment was further delayed until May 29, 2009. At 74 FR 26091, June 1, 2009, the amendment was delayed indefinitely. For the convenience of the user, the revised text is set forth as follows:

§ 261.6 Timber and other forest products.

The following are prohibited:

- (a) Cutting, removing, or otherwise damaging any timber, tree, or other forest product, including special forest products and forest botanical products, except as authorized by Federal law, regulation, permit, contract, special use authorization, free-use authorization, or personal-use authorization.
- (b) Cutting any standing tree under any permit or contract before a Forest Officer has marked it or has otherwise designated it for cutting.
- (c) Unless otherwise provided for in any permit or contract, removing any timber or other forest product, including special forest products and forest botanical products, except to a place designated for scaling, measuring, counting, or other method of accounting by a forest officer.
- (d) Stamping, marking with paint, or otherwise identifying any tree, or other forest product, including special forest products and forest botanical products, in a manner similar to that employed by forest officers to mark or designate a tree or any other forest product for cutting, or removal.
- (e) Loading, removing or hauling timber, or other forest products, including special forest products and forest botanical products, acquired under any permit, contract, free-use authorization, memorandum of agreement, memorandum of understanding, or personal-use authorization unless such product is designated for loading, removing, or hauling as required or authorized in such permit, contract, free-use authorization, memorandum of agreement, memorandum of understanding, or personal-use authorization.
- (f) Selling or exchanging any timber or other forest product, including special forest products and forest botanical products, obtained under free use or personal use pursuant to §§ 223.5 through 223.11, § 223.239 or § 223.279 of this chapter.
- (g) Violating any timber export or substitution restriction in §§ 223.160 through 223.164 of this chapter.
- (h) Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620, *et seq.*), or its implementing regulations at §§ 223.185 through 223.203 of this chapter.

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§ 261.7 Livestock.

The following are prohibited:

- (a) Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control.
- (b) Not removing unauthorized livestock from the National Forest System or other lands under Forest Service control when requested by a forest officer.
- (c) Failing to reclose any gate or other entry.
- (d) Molesting, injuring, removing, or releasing any livestock impounded under § 262.10 while in the custody of

the Forest Service or its authorized agents.

[42 FR 35959, July 13, 1977, as amended at 51 FR 1251, Jan. 10, 1986]

§ 261.8 Fish and wildlife.

The following are prohibited to the extent Federal or State law is violated:

- (a) Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird.
- (b) Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life.
- (c) Possessing equipment which could be used for hunting, fishing, or trapping.
- (d) Possessing a dog not on a leash or otherwise confined.
- (e) Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 59 FR 31152, June 17, 1994]

§ 261.9 Property.

The following are prohibited:

- (a) Damaging any natural feature or other property of the United States.
 - (b) Removing any natural feature or other property of the United States.
 - (c) Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.
 - (d) Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.
 - (e) Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is not open to the public.
 - (f) Using any pesticide except for personal use as an insect repellent or as provided by special-use authorization for other minor uses.
 - (g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property.
 - (h) Removing any prehistoric, historic, or archaeological resource, structure, site, artifact, property.
 - (i) Excavating, damaging, or removing any vertebrate fossil or removing any paleontological resource for commercial purposes without a special use authorization.
 - (j) Excavating, damaging, or removing any cave resource from a cave without a special use authorization, or removing any cave resource for commercial purposes.
- [46 FR 33520, June 30, 1981, as amended at 49 FR 25450, June 21, 1984; 51 FR 30356, Aug. 26, 1986; 59 FR 31152, June 17, 1994]

§ 261.10 Occupancy and use.

The following are prohibited:

- (a) Constructing, placing, or maintaining

any kind of road, trail, structure, fence, enclosure, communication equipment, significant surface disturbance, or other improvement on National Forest System lands or facilities without a special-use authorization, contract, or approved operating plan when such authorization is required.

(b) Construction, reconstructing, improving, maintaining, occupying or using a residence on National Forest System lands unless authorized by a special-use authorization or approved operating plan when such authorization is required.

(c) Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special-use authorization.

(d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows:

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(1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or

(2) Across or on a National Forest System road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge.

(3) Into or within any cave.

(e) Abandoning any personal property.

(f) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person.

(g) Commercial distribution of printed material without a special use authorization.

(h) When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands; misrepresenting the purposes or affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost.

(i) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person.

(j) Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite or developed recreation site or over an adjacent body of water without

a special-use authorization.

(k) Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required.

(l) Violating any term or condition of a special-use authorization, contract or approved operating plan.

(m) Failing to stop a vehicle when directed to do so by a Forest Officer.

(n) Failing to pay any special use fee or other charges as required.

(o) Discharging or igniting a firecracker, rocket or other firework, or explosive into or within any cave.

(p) Use or occupancy of National Forest System lands or facilities without an approved operating plan when such authorization is required.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 53 FR 16550, May 10, 1988; 59 FR 31152, June 17, 1994; 60 FR 45295, Aug. 30, 1995; 66 FR 3218, Jan. 12, 2001; 69 FR 41965, July 13, 2004; 73 FR 65999, Nov. 6, 2008]

§ 261.11 Sanitation.

The following are prohibited:

(a) Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture.

(b) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.

(c) Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water.

(d) Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes.

(e) Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981]

§ 261.12 National Forest System roads and trails.

The following are prohibited:

(a) Violating the load, weight, height, length, or width limitations prescribed by State law except by special-use authorization or written agreement or by order issued under § 261.54 of this Chapter.

(b) Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign.

(c) Damaging and leaving in a damaged condition any such road, trail, or segment thereof.

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(d) Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 55 FR 25832, June 25, 1990]

§ 261.13 Motor vehicle use.

After National Forest System roads, National Forest System trails, and areas on National Forest System lands have been designated pursuant to 36 CFR 212.51 on an administrative unit or a Ranger District of the National Forest System, and these designations have been identified on a motor vehicle use map, it is prohibited to possess or operate a motor vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations, provided that the following vehicles and uses are exempted from this prohibition:

- (a) Aircraft;
- (b) Watercraft;
- (c) Over-snow vehicles;
- (d) Limited administrative use by the Forest Service;
- (e) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- (f) Authorized use of any combat or combat support vehicle for national defense purposes;
- (g) Law enforcement response to violations of law, including pursuit;
- (h) Motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations; and
- (i) Use of a road or trail that is authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

[70 FR 68291, Nov. 9, 2005]

§ 261.14 Use by over-snow vehicles.

It is prohibited to possess or operate an over-snow vehicle on National Forest System lands in violation of a restriction or prohibition established pursuant to 36 CFR part 212, subpart C, provided that the following uses are exempted from this section:

- (a) Limited administrative use by the Forest Service;
- (b) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- (c) Authorized use of any combat or combat support vehicle for national defense purposes;
- (d) Law enforcement response to violations of law, including pursuit;
- (e) Use by over-snow vehicles that is specifically authorized under a written authorization issued under Federal law

or regulations; and

(f) Use of a road or trail that is authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

[70 FR 68291, Nov. 9, 2005]

§ 261.15 Use of vehicles off roads.

It is prohibited to operate any vehicle off National Forest System, State or County roads:

- (a) Without a valid license as required by State law.
- (b) Without an operable braking system.
- (c) From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights.
- (d) In violation of any applicable noise emission standard established by any Federal or State agency.
- (e) While under the influence of alcohol or other drug;
- (f) Creating excessive or unusual smoke;
- (g) Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property.
- (h) In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources.
- (i) In violation of State law established for vehicles used off roads.

[42 FR 2957, Jan. 14, 1977, as amended at 42 FR 35959, July 13, 1977; 66 FR 3218, Jan. 12, 2001. Redesignated at 70 FR 68291, Nov. 9, 2005]

§ 261.16 Developed recreation sites.

The following are prohibited:

- (a) Occupying any portion of the site for other than recreation purposes.
- (b) Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such

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purpose or outside of a stove, grill or fireplace.

- (c) Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose.
- (d) Discharging or igniting a firecracker, rocket or other firework, or explosive.
- (e) Occupying between 10 p.m. and 6 a.m. a place designated for day use only.
- (f) Failing to remove all camping equipment or personal property when vacating the area or site.
- (g) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.
- (h) Without permission, failing to have at least one person occupy a camping area during the first night

after camping equipment has been set up.

(i) Leaving camping equipment unattended for more than 24 hours without permission.

(j) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control.

(k) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.

(l) Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions.

(m) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.

(n) Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use.

(o) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.

(p) Depositing any body waste except into receptacles provided for that purpose.

[42 FR 2957, Jan. 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984; 60 FR 45295, Aug. 30, 1995. Redesignated at 70 FR 68291, Nov. 9, 2005]

36 CFR 261 Subpart B Forest Orders Relevant to Developed Recreation Sites

SUBPART B ORDER

OLYMPIC NATIONAL FOREST
REGION 6, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

ORDER NO: 06_06_003

**USE OF MOTORIZED VEHICLE ON FOREST DEVELOPMENT TRAILS AND
OFF NATIONAL FOREST SYSTEM ROADS**
OLYMPIC NATIONAL FOREST

Pursuant to 26 CFR Section 261.50 (b), the following is prohibited on all Forest Development Trails and off National Forest system roads except those described under exhibit A, within the Olympic National Forest:

Using or possessing any motorized vehicle on system trail. 36 CFR
261.55 (b)

Using or possessing any motorized vehicle off National Forest system Roads. 36 CFR
261.56

Pursuant to 36 CFR, section 261.50 (e), the following persons are exempt from this order:

1. Persons with a permit specifically authorizing the prohibited acts and/or omissions.
2. Any Federal, State, or local law enforcement officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
3. Any employee of the Olympic National Forest, in the performance of an official duty only.

Executed in Olympia, Washington on this 26 day of June 2006.

/s/ Dale Hom

Dale Hom

Forest Supervisor

Olympic National Forest

Violation of these prohibitions is punishable by a fine of up to \$5000 and/or six months imprisonment

*Title 16 United States Code, Section 551

EXHIBIT A
ORDER NUMBER:

ALLOWED USE- MOTORIZED VEHICLES

<u>TRAIL</u>	<u>TRAIL NAME</u>	<u>FROM/TO</u>
830	Gold Creek	Rd 2870-230/2870
833	Lower Big Quilcene	Rd 27-080/Rd. 2750
833.3	Lower Dungeness	Rd2870-230/Rd. 2870
836	Mt. Zion	Rd. 28/ Mt. Zion Summit
858	Lower Pete's Creek	Rd2204/W.F. Humptulips
River		
871	Church Creek	Rd. 2361-600/2372

ORDER NUMBER 09-03-005

**OLYMPIC NATIONAL FOREST
REGION 6, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

ORDER

**OCCUPANCY AND USE
OLYMPIC NATIONAL FOREST**

Pursuant to 36 CFR Section 261.50(a) the following act is prohibited within the Olympic National Forest:

- (1) Camping for a period longer than 21 days per year in areas outside of developed recreation sites listed in Exhibit A. 36 CFR 261.58(a)
- (2) Camping for a period longer than 14 consecutive days within the developed recreation sites listed in Exhibit A. 36 CFR 261.58(a).

Pursuant to 36 CFR Section 261.50 (e) the following persons are exempt from this order:

- (1) Persons with a permit
- (2) Any Federal, State or local officer, or any member of an organized rescue or firefighting force in the performance of an official duty.

Executed in Olympia, Washington on this 15th day of December, 2003.

/s/ Dale Hom

Dale Hom

Forest Supervisor
Olympic National Forest

Violation of these prohibitions is punishable by a fine of up to \$5000 and/or six months imprisonment

*Title 16 United States Code, Section 551

EXHIBIT A

- BIG CREEK
- BROWN CREEK
- CAMPBELL TREE GROVE
- CHETWOOT
- COHO
- COLLINS
- DUNGENESS FORKS
- EAST CROSSING
- ELKHORN
- FALLS CREEK
- FALLS VIEW
- HAMMA HAMMA
- KLAHOWYA
- LANY CAMP
- LENA CREEK
- LENA LAKE
- OXBOW CAMP
- RAINBOW
- SEAL ROCK
- WILLABY
- WYNOOCHEE FALLS